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Serial No. 09/760,017
60130-984; 00MRA0174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Le Hir, et al
Serial No.: 09/760,017
Filed: January 12, 2001
Group Art Unit: 2834
Examiner: Tarnai, Karl L.
Title: A MOTORIZED REDUCTION GEAR WITH A COMMUTATOR HAVING AN INTEGRAL MAGNETIC RING

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REPLY BRIEF

Dear Sir:

This is in reply to the Examiner's Answer mailed April 7, 2006. The Examiner's Answer raises some arguments which require some brief response.

ARGUMENTS RELATING TO CLAIMS 1 AND 8

First, beginning on page 6 of the Examiner's Answer, the Examiner argues that Takeda discloses a commutator including a body and a magnet mounted in a recess on an outer surface of the body of the commutator.

Answer:

The Examiner states that Takeda shows a commutator including a body and a magnet mounted on an outer surface of the body. The Examiner contends that the tubular collar 21 of Takeda is the body of the commutator 20 and there is a direct correlation between the claimed body and the tubular collar 21 of Takeda. Appellant respectfully disagrees.

The claimed invention is not anticipated by Takeda. Takeda does not disclose a motorized reduction gear including a commutator *including* a body and a magnetic ring attached on an outer surface of the body of the commutator as claimed. In Takeda, a power window apparatus includes a tubular collar 21 that is fastened to a rotating shaft 17 (page 9,

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lines 2-3). The tubular collar 21 *supports* a commutator 20 (page 10, lines 12 to 13 and Figure 1), and therefore the commutator 20 cannot *include* the tubular collar 21 as claimed. The tubular collar 21 is not the body of the commutator 20, but a component onto which the commutator 20 is attached.

The Examiner states on page 7 of the Examiner's Answer that there is "a direct correlation between the Appellant's body 22 and Takeda's tubular body 22." However, Takeda clearly discloses that the tubular collar 21 *supports* the commutator 20. Nothing in Takeda discloses that the tubular collar 21 functions as part of the commutator 20. The tubular collar 21 is a component that is mounted between the commutator 20 and the rotor shaft 17, but not *part* of the commutator 20.

The Examiner questioned how the argument relating to the space between the collar 21 and the commutator 20 is relevant to the claimed invention. As the commutator 20 is located at one end of the tubular collar 21 and the magnetic sensor 33 is located at the other end of the tubular collar 21, a space exists between the magnetic sensor 33 and the commutator 20. Due to the existence of the space, the magnetic sensor 33 cannot be attached to the commutator 20. The claimed invention is not anticipated, and Appellant respectfully requests that the rejection be withdrawn.

ARGUMENTS RELATING TO CLAIM 9

The Examiner states that the mating surfaces of the magnet and the annular recess on the tubular collar is an attachment feature.

Answer:

Claim 9 recites an attachment feature that attaches the magnetic ring to the commutator. Figure 1 of Takeda shows that the commutator 20 and the magnetic sensor 33 are spaced apart from each other. The magnetic sensor 33 is attached on the tubular collar 21 that *supports* the commutator 20, but is not attached on the commutator 20. As the magnetic sensor 33 is not attached on the commutator 20, Takeda does not disclose an attachment feature that attaches the magnetic sensor 33 to the commutator 20. The magnetic sensor 33 of Takeda is attached to the tubular collar 21, not to the commutator 20. Claim 9 is further not anticipated by Takeda, and Appellant respectfully requests that the rejection be withdrawn.

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ARGUMENTS RELATING TO CLAIM 11

The Examiner states that it would be obvious to fix the magnet of the tubular collar of Takeda with the elastic clips of Knappe.

Answer:

Claim 11 recites that the attachment feature that attaches the magnetic ring to the commutator is an elastic clip. Claim 11 depends on patentable independent claim 1 and is allowable for the reasons set forth above. The claimed invention is not obvious because neither Takeda nor Knappe individually discloses, suggests or teaches a motorized reduction gear including a commutator including a body and a magnetic ring attached on an outer surface of the body as claimed. In Takeda, the magnetic sensor 33 is attached to the tubular collar 21 and is not attached to the commutator 20 for the reasons set forth above. In Knappe, a plastic bushing 4 includes hooks 41 that secure a magnet part 3 to a rotor shaft 2. Knappe does not disclose that the magnet part 3 is attached to a body of a commutator. Therefore, the references together does not teach, suggest or disclose a magnetic ring attached on a body of a commutator with an elastic clip. The claimed invention is not obvious, and Appellant respectfully requests that the rejection be withdrawn.

CLOSING

For the reasons set forth above, and for the reasons set forth in the main brief, the rejection must be reversed. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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Respectfully Submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Reply Brief is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on June 6, 2006.

Amy M. Spaulding
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